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Note verbale dated 13 December 2007 from the Permanent Mission of San Marino to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of San Marino to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to submit the first report of the Republic of San Marino to the Security Council Committee established pursuant to resolution 1540 (2004).

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Annex to the note verbale dated 13 December 2007 from the Permanent Mission of San Marino to the United Nations addressed to the Chairman of the Committee

Report of the Republic of San Marino to the Security Council Committee established pursuant to resolution 1540 (2004) on the prevention of proliferation of nuclear, chemical and biological weapons and their means of delivery

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Introduction

The Republic of San Marino has the honour to submit its national report in conformity with operative paragraph 4 of resolution 1540, adopted by the Security Council on 28 April 2004. This report was prepared by the Foreign Affairs Department of the Republic of San Marino, which remains at the disposal of the Committee established under resolution 1540 (2004) for further information and clarifications.

The adoption of resolution 1540 has represented a turning point in the fight against the proliferation of weapons of mass destruction. With this resolution, the Security Council intended to provide a clear signal of the need to effectively commit to guaranteeing peace and security of humanity. The threat posed by the proliferation of weapons of mass destruction, and in particular the danger that these weapons could fall into the hands of non-State actors, becomes increasing topical and now more than ever it is necessary to take effective measures in order to prevent the risks posed by their indiscriminate use.

The Republic of San Marino fully supports resolution 1540 and is pleased to reaffirm in this very seat its contribution to international and multilateral initiatives concerning the fight against the proliferation of nuclear, chemical and biological weapons. Moreover, it reiterates the need to achieve immediate and full disarmament in this field through compliance with and full implementation of multilateral treaties.

Indeed, the Republic of San Marino boasts a long tradition of peace, since it renounced having its own army and opted for neutrality, which it maintained also during the two world wars. In foreign political affairs, the Republic of San Marino reiterates on every occasion its support in favour of initiatives aimed at affirming peace and security and pays particular attention to the protection of the victims of armaments causing significant damages to the civil population.

1. Part I: General contribution of the Republic of San Marino to the fight against the proliferation of weapons of mass destruction and their means of delivery

1.1. International treaties and agreements

The Republic of San Marino is a party to the following international agreements and conventions on the non-proliferation of nuclear, chemical and biological weapons and their means of delivery:

- Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, of 5 August 1963.
- Treaty on the Non-Proliferation of Nuclear Weapons, of 1 July 1968.
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972.
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, and annexes thereof, of 13 January 1993.
- Comprehensive Nuclear-Test-Ban Treaty, of 10 September 1996.

- Agreement between the Republic of San Marino and the International Atomic Energy Agency on the implementation of the security measures relative to the Treaty on the Non-Proliferation of Nuclear Weapons, signed on 3 March 1995 and on 7 September 1998.

At the present time, the Republic of San Marino is completing its internal procedures to join the International Code of Conduct Against Ballistic Missile Proliferation.

Moreover, on 12 March 2002, the Republic of San Marino acceded in New York to the International Convention for the Suppression of Terrorist Bombings and ratified the International Convention for the Suppression of the Financing of Terrorism.

Finally, on 14 November 2006, San Marino signed two Council of Europe Conventions of 16 May 2005, on the Prevention of Terrorism and on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, respectively.

1.2. Contribution of the Republic of San Marino to the fight against terrorism

San Marino fully supports the activity of the Counter-Terrorism Committee (CTC), established pursuant to Security Council resolution 1373 (2001), and commits to contributing to its work through an ongoing dialogue on the measures taken to combat terrorism. To this end, the Republic of San Marino submitted the reports requested by the Committee in 2001, 2002, 2003 and 2004.

Moreover, San Marino supports the activities carried out by the United Nations Al-Qaida and Taliban Sanctions Committee established pursuant to Security Council resolution 1267 (1999). San Marino submitted its report to that Committee in March 2004.

2. Part II: Implementation of Security Council resolution 1540 (2004)

2.1. Operative paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery

The Republic of San Marino does not provide any form of support to States or to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

2.2. Operative paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them

According to article 2 of the *Declaration on the Citizens' Rights and Fundamental Principles of San Marino Constitutional Order* of 8 July 1974,

subsequently amended by Law n. 36 of 26 February 2002, the Republic of San Marino receives generally recognized rules of international law as an integral part of its constitutional order, to which it shall conform its acts and conduct. It rejects war as a means to settle disputes between States and, in its international policy, adheres to the principles enshrined in the Charter of the United Nations. Regularly signed and implemented international agreements on the protection of human rights and freedoms shall prevail over domestic legislation in case of conflict.

The Republic of San Marino fully implemented the international instruments against the proliferation of nuclear, chemical and biological weapons through the following decrees:

- Decree n. 32 of 30 April 1964, "Ratification of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water"
- Decree n. 20 of 4 June 1970, "Ratification and Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons"
- Decree n. 67 of 29 July 1974, "Ratification of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction"
- Decree n. 111 of 28 October 1999, "Ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction"
- Decree n. 32 of 26 February 2002, "Ratification of the Comprehensive Nuclear-Test-Ban Treaty".

The obligations and provisions deriving from the international instruments ratified by the Republic of San Marino concerning the non-proliferation of nuclear, chemical and biological weapons and their means of delivery are fully implemented as an integral part of its constitutional order and prevail over domestic legislation in case of conflict.

With regard to the fight against terrorism, the Republic of San Marino has adopted Law n. 28 of 26 February 2004, "Provisions on anti-terrorism, anti-money laundering and anti-insider trading", which punishes anyone participating in terrorist acts or promoting, establishing, organizing, directing or financing associations that aim at perpetrating violent acts for the purpose of terrorism or, finally, providing participants in terrorist association with assistance or aid in any form. This Law has added new provisions to the Criminal Code, by means of which the provisions contained in the 1999 United Nations International Convention for the Suppression of the Financing of Terrorism, in force in San Marino since 2002, have been received as an integral part of the domestic legislation.

In relation to the protection from possible damages or threats posed to the environment and the population by the use of nuclear, chemical or biological substances, article 236 of the Criminal Code punishes anyone committing an act aimed at causing an epidemic, the slaughter or otherwise the killing of more persons; article 241 deals with attacks on public health through environmental deterioration and punishes anyone who in any manner, even indirectly, spreads in the atmosphere, disperses into flowing or still ground or surface waters, and substances of any nature and species that jeopardize the population; article 246 punishes anyone who spreads in the environment substances that may cause

modifications or alterations in the natural environment such as to adversely influence the life and development of essential living organisms in the ecosystem, or which may otherwise affect the use of water for household, agricultural and industrial purposes; finally, article 249 punishes anyone causing a negligent deterioration of the environment.

2.3. Operative paragraph 3

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage and transport;

(b) Develop and maintain appropriate effective physical protection measures

The Republic of San Marino does not have an army and has never developed, produced, acquired, possessed or stored nuclear, chemical or biological weapons and their means of delivery

However, through the Agreement signed with the International Atomic Energy Agency in Vienna on 3 March 1995 and in San Marino on 7 September 1998, the Republic of San Marino has committed to accepting the security measures established by the Agency with a view to verifying compliance with the obligations undertaken through the ratification of the Nuclear Non-Proliferation Treaty, in order to avoid the use of nuclear energy for purposes other than peaceful purposes.

Moreover, as requested by the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, the Secretariat of State for Foreign Affairs was entrusted, as National Authority, with the task of acting as focal point connecting the country to the Organization for the Prohibition of Chemical Weapons and to the other States Parties. In the fulfilment of its tasks, the National Authority shall monitor the activities authorized under the Convention.

Law n. 53 of 28 April 1999 disciplines the granting of industrial and handicraft licences. Licences are granted, in the full respect for international agreements and treaties, by the Office of Industry and Handicraft, which verifies that the type of entrepreneurial activity is provided for and authorized by the Law. Likewise, Law n. 69 of 25 May 2004 disciplines the authorization and institutional accreditation of health structure and establishes an Authority with the task of verifying compliance with the Law provisions in the granting of authorizations.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as

financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations

The small size of the country (61 square kilometres) facilitates widespread and accurate controls and patrolling by law enforcement agents (Gendarmerie, Civil Police and Guardia di Rocca), especially on the borders, which — together with strict domestic provisions governing the presence of foreigners in the country — makes it virtually impossible for San Marino to be used by terrorists as a hideout or as a location where to plan or organize terrorist acts. Likewise, cases of illicit trafficking and intermediation activities involving nuclear, chemical or biological weapons have never been reported in the Republic of San Marino.

Therefore, efforts made by San Marino in combating terrorism are, in practice, aimed at countering terrorist financing. For this reason, San Marino has undertaken to further protect its banking and financial system from such potential threat by strengthening financial regulation and supervision, in line with the international best practices.

The Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino entered into force on 28 March 2002. Following the profound transformations that occurred in the European Economic Community first and the European Union afterwards, this Agreement was modified and extended to also include the new member States of the European Union. The Agreement now in force has created a customs union between the Republic of San Marino and the present European Union and has established a cooperation relationship particularly in the commercial, economic, social and cultural fields, thus facilitating the consolidation of the relations between the parties. Customs formalities are completed by the authorized Community customs offices provided for in the above-mentioned Agreement.

2.4. Operative paragraph 5

Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons

The Republic of San Marino does not interpret any of the obligations set forth in this resolution so as to conflict with the rights and obligations deriving from the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons.

2.5. Operative paragraph 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists

As already stated, the Republic of San Marino does not produce, import or export any weapons of mass destruction and therefore no national control lists have been developed.

2.6. Operative paragraph 7

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions

The Republic of San Marino recognizes the fundamental importance of the assistance in implementing the provisions of this resolution by the States that have already adopted a relevant legislation within their territories and, if requested, will do its utmost to offer the necessary assistance to requesting States.

2.7. Operative paragraph 8

Calls upon all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons

The Republic of San Marino strongly supports the objective of promoting the universal adoption and full implementation, and, where necessary, the strengthening of international treaties to which it is a party, whose aim is to prevent the proliferation of nuclear, biological and chemical weapons. However, it will pay attention not to place an excessive burden on the small national administrations of microstates through the introduction of new "reporting obligations", already extremely burdensome in the field of disarmament.

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties

A working group composed of some officials of the Foreign Affairs Department and of the State Lawyers' Office is drafting a Bill implementing the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction at the national level. This Bill should be ready by the end of 2008.

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes

San Marino attaches great importance to multilateral collaboration, particularly in the framework of the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention.

The Republic of San Marino is not a State party to the International Atomic Energy Agency (IAEA). However, it supports its activity and reiterates its commitment to collaborating with this Agency. In 1998, San Marino concluded with the IAEA an agreement on the implementation of security measures concerning the Nuclear Non-Proliferation Treaty. Moreover, San Marino is considering the proposal made by the IAEA to conclude an additional protocol to the agreement on the security measures.

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws

All Laws and Parliamentary Decrees ratifying international agreements are published in the Official Bulletin of the Republic of San Marino and in the electronic database available on the website www.consigliograndeegenerale.sm in Italian, so as to guarantee that the major stakeholders involved in this legislation, as well as the general public, are duly informed about the deriving obligations.

Moreover, the website of the Secretariat of State for Foreign Affairs, Political Affairs and Economic Planning (www.esteri.sm) contains all information on the International Organizations of which San Marino is a State party, as well as on the international treaties to which it has acceded.

2.8. Operative paragraph 9

Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical or biological weapons, and their means of delivery

The Republic of San Marino has always supported, and still supports, international initiatives aimed at promoting dialogue and cooperation on the non-proliferation of nuclear, chemical or biological weapons and calls upon the international community to strengthen these efforts.

2.9. Operative paragraph 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials

The Republic of San Marino is ready to cooperate, in conformity with the provisions contained in this resolution and in the relevant international instruments, in order to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials.

3. Relevant legislation

The complete texts, in the original language, of the San Marino legislation mentioned in this report are available on the website www.consigliograndee generale.sm in the section entitled "Archivio Leggi". For further information on the contribution offered by the Republic of San Marino to the fight against terrorism, please refer to the relevant reports submitted to the Counter-Terrorism Committee (S/2001/1292, S/2002/786, S/2003/841), available on the website: www.un.org/Docs/sc/committees/1373/submitted_reports.html.

Laws:

Law n. 17 of 25 February 1974, "*Approval of the New Criminal Code*".

Law n. 59 of 8 July 1974, "*Declaration on the Citizens' Rights and Fundamental Principles of San Marino Constitutional Order*".

Law n. 53 of 28 April 1999, "*Provisions on the exercise of individual proprietorships in the sector of industry or handicraft by natural persons residing on the territory, procedures for the incorporation and subsequent licensing of manufacturing companies formed by promoters being natural persons either citizens or residents of the Republic of San Marino*".

Law n. 36 of 26 February 2002, "*Review of Law n. 59 of 8th July 1974 (Declaration on the Citizens' Rights and Fundamental Principles of San Marino Constitutional Order)*".

Law n. 28 of 26 February 2004, "*Provisions on anti-terrorism, anti-money laundering and anti-insider trading*".

Law n. 69 of 25 May 2004, "*Provisions on the granting of authorisations concerning the realisation, exercise and institutional accreditation of public and private health and social institutions*".

Decrees:

Decree n. 32 of 30 April 1964, "*Ratification of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water*".

Decree n 20 of 4 June 1970, "*Ratification and Implementation of the Nuclear Non-Proliferation Treaty*".

Decree n. 67 of 29 July 1974, "*Ratification of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*".

Decree n. 111 of 28 October 1999, "*Ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction*".

Decree n. 32 of 26 February 2002, "*Ratification of the Comprehensive Nuclear-Test-Ban Treaty*".